

House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, as a former Realtor, I have seen the hurdles, struggles, and certainly triumphs of homeowners.

Later today, we will be voting on H.R. 1106, the Helping Families Save Their Homes Act. I understand the need to help those who need it, but we must be mindful we don't wind up hurting those who are not in dire straits.

Responsible homeowners, many of whom are struggling themselves, should not be saddled with the costs of subsidizing bad behavior on the part of banks or borrowers.

Mr. Speaker, earlier this week President Obama stood in this very space and called on Congress to work together to put our country back on the right fiscal track.

I agree wholeheartedly, and I urge my colleagues to work in a bipartisan manner instead of enacting cramdown legislation, adding even more risk to the mortgage market.

ECONOMIC STIMULUS BILL

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I was proud to vote for the economic stimulus bill, and one of the things that it had that is most effective, timely, targeted, and temporary is unemployment compensation of people who are on the front lines and suffer because of this recession.

Money going to those people immediately go into the economy and stimulate the economy, and nobody can debate that. It also helps the people most in need.

So I was most distressed when southern governors, led by Bobby Jindal, a former Member of this House, and others and now my own governor have suggested they may not take that money. To not take that money means this recession lingers. To not take that money means the people that have been hurt the most suffer the most again.

It is wrong, and it reminds me of old, unrepentant, unreformed southern governors with interposition dripping off their lips who gave this, the South, a bad reputation because they didn't work with the Federal Government to make this a more perfect Union.

□ 1015

PROVIDING MEANINGFUL HEALTH CARE REFORM

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, this week President Obama came before us and outlined the priorities for health care reform. Good. But let's keep in mind what reform is.

The high cost of health care is not cured by massive injections of money

and taxes. We must eliminate the \$500 billion in annual waste. Electronic medical records will help, but only if it puts critical information in doctors' hands and they are personal, private, and portable.

Eliminating hospital-acquired infections must also be a priority. Infections kill 100,000 patients a year and cost us \$50 billion. In the 3 years I have come to this floor to ask Members to take action, nearly a quarter of a million people have died unnecessarily. How many more will have to face this preventable disease before we push for meaningful reform?

Health care reform is about fixing our health care system, not just financing it and financing its problems. Let's make health care reform real reform, because lives depend on us.

PROVIDING FOR CONSIDERATION OF H.R. 1106, HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 190

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Financial Services and the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 190 provides for consideration of H.R. 1106, the Helping Families Save Their Homes Act of 2009, under a structured rule. While the rule waives clause 10 of rule XXI regarding PAYGO, there is only a technical violation of clause 10 by section 204 of the bill. Because of the timing of cash flows of the Federal Deposit Insurance Corporation, the provision increases direct spending in the first 5-year period, but more than offsets that increase in the 10-year period.

Mr. Speaker, H.R. 1106, the Helping Families Save Their Homes Act of 2009, takes a vital step toward reviving our housing market, stemming the tide of home foreclosures and putting our Nation's economy back on track.

This bill would first give bankruptcy judges the ability to modify, at their own discretion, mortgage loans on a homeowner's principal residence if the homeowner meets specified, stringent criteria. Further, this legislation would also help veterans and other homeowners avoid foreclosure by allowing the Department of Veterans Affairs, the Federal Housing Administration and the Department of Agriculture to guarantee and/or insure mortgage loans modified either out of court or in a bankruptcy case.

This bill would also provide a safe harbor from liability to mortgage servicers who engage in loan modification workouts or other loss mitigation. Many services, Mr. Speaker, have claimed that fear of litigation or uncertainty about what modification actions may be permitted under their agreement have kept them from partaking in loan modifications or other workouts. With the safe harbor provisions in this legislation, they will no longer have any excuse.

Additionally, this bill makes much-needed changes to the HOPE for Homeowners program in order to encourage greater lender participation. It puts the HUD Secretary in charge of running the program, reduces fees and eliminates other administrative burdens, and changes the profit-sharing

provisions to induce more loan writedowns.

Finally, this bill makes permanent the temporary increase in deposit insurance coverage for both the FDIC Deposit Insurance Fund and the National Credit Union Administration Share Insurance Fund. This provision will enhance the liquidity and stability of our banking institutions and help restore confidence in our financial system.

Some have criticized the bankruptcy cramdown provisions in this bill, and I share some of their concerns, claiming that they will cause massive losses to financial institutions, increase the cost of borrowing for other homeowners or lead to a sudden surge of bankruptcy filings. I am not certain that this is the case. Modifications will be at the individual discretion of a bankruptcy judge who will make the determination of whether a borrower has acted responsibly and their claim has any merit.

This provision will maximize, not lessen, the value of troubled mortgages for the lender, and will avoid the decline in property values in neighborhoods where homes have been foreclosed on. It is preposterous to think that individuals would willingly submit themselves to the arduous process, negative stigma and long-lasting effects of filing for bankruptcy. Bankruptcy will remain as it has always been, a last resort.

Under current law, bankruptcy judges already have the authority to modify loans on virtually every secured claim, including vacation homes, investment properties, private jets and luxury yachts, except for primary family residences. This loophole is outdated and in my view absurd, and it must be rectified.

Some may also argue that we are bailing out reckless borrowers at the expense of those who were prudent and responsible. However, many individuals who have duly made every single monthly payment and lived within their means are seeing their home values drop and no longer have the ability to refinance due to the rapidly declining market. Some who are being swept up by the foreclosure crisis are victims of bad lending practices and some who played by the rules and acted responsibly are now finding themselves underwater through no fault of their own.

Throughout this Nation, Mr. Speaker, millions of families are in danger of losing their homes. And while it is easy to think that the foreclosure crisis affects no other than those directly involved, the truth is this crisis has had and will have a rippling effect all across the country. Not only are individuals' livelihoods gravely impacted, but as foreclosures go up, surrounding home prices go down, tax revenue for vital public services falls, financial institutions are saddled with losses, access to credit shrinks and our economy grinds to a halt. This legislation helps put a stop to this deadly spiral.

In my home State of Florida, Mr. Speaker, estimates show just in Flor-

ida alone that approximately 160,000 homes can be saved as a result of court supervised modifications. Additionally, a recent report by Credit Suisse estimates that the safe harbor provisions alone will lessen foreclosures by 20 percent.

Just this past Wednesday, President Obama announced his comprehensive homeowners' affordability and stability plan. This legislation is the first step toward putting this plan into action.

Mr. Speaker, I do not pretend that implementing this legislation will prevent every single foreclosure. In fact, there are some cases for which foreclosure is the correct action. However, this bill will help ensure responsible individuals stay in their home and will mitigate the destructive impact of foreclosures on families and communities.

This bill addresses our Nation's foreclosure crisis in a meaningful and responsible fashion by reforming our bankruptcy laws, clearing legal impediments to loan modifications, improving the HOPE for Homeowners program and ensuring confidence in our banking system.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Florida for yielding us the time on this rule, and I also want to say that I thank very much the chairman of the Judiciary Committee, Mr. CONYERS, for his help yesterday in the Rules Committee meeting on incorporating a suggestion that I made into the manager's amendment. It didn't make it in this bill in the form of an amendment, but he was very kind to include that, and I think it made this bad bill a little bit better.

I want to say that my colleague from Florida has made some very eloquent comments about why this rule should be adopted and why the underlying bill is such a good bill. However, those of us on this side of the aisle have some clear concerns about this rule and about the bill and what it is going to be doing to our economy.

We heard yesterday a lot of numbers that were very, very difficult to pin down. In fact, I tried very hard, knowing I was going to handle this rule this morning, because I wanted to try to get a handle on the number of people that we are talking about.

We heard the number 14 million. We heard 14 million now and more later. But we also heard that what this bill will do will be to allow the bankruptcy system to handle about 30,000 new cases per year. My guess is that while this bill claims not to be needing a lot more money in that area, that eventually our colleagues across the aisle are going to come back asking for more money to deal with this issue.

□ 1030

But what I want to talk about today a little bit is both the process and

about the reason why the rule should not be adopted and the bill should not be adopted. 94 percent of the people in this country are now paying their mortgages and paying them on time. What's going to happen if this bill is passed is that those people, and people in the future, are going to be punished. We are continually punishing the people who play by the rules and rewarding the people who don't play by the rules. It is a real shame that we have come to that place in our society because we don't want to set that as the norm for what we're doing in this country, because we've always had the rule of law and we've operated very well. What separates us from most other countries is that.

And yet, now we're going to say to people, it's okay if you go out, misrepresent your position in terms of being able to pay for your mortgage or do any kinds of things like that, and then we'll bail you out. It will be okay for us to do that. And that, basically, is what this bill is, the message that we're sending.

But let me talk just a bit about the process that was involved in bringing this rule to us. We had a very lively debate in the Rules Committee yesterday. The chairman of the Financial Services Committee told us that he was very willing to accept some of the amendments that had been offered. They might not exactly fit in the Financial Services Committee, but he was willing to work with some of our Members to make those fit.

We had 20 amendments offered, Republicans did. Only one of those amendments was accepted to be offered today, and it looks like we may have a problem with that amendment once it is offered.

We are trying very hard to be bipartisan. We want to work with the majority on helping the people in this country who are truly hurting, who have played by the rules and who are being hurt by the economy, through no fault of their own. However, what this bill, again, is going to do is it is keeping us from being bipartisan. We have to be opposed to the rule and opposed to the bill because they've put together bills that should not be put together. Many of us could probably support the Financial Services part of this bill, but we would be very concerned about the Judiciary part of it. But no, the majority has to lump them all together and create a situation that denies our ability to be bipartisan.

A couple of the rules that were offered yesterday and in the various committees that Chairman FRANK said he was willing to have a debate on was a rule offered by Representative NEUGEBAUER which would amend the servicer safe harbor provisions to provide that unsuccessful plaintiffs would pay all the attorney's fees and any legal costs incurred by the defendant.

Another one by Congresswoman CAPITO would exempt the Federal Housing Administration, Veterans Administration Loan Guaranty Program

and Guaranteed Rural Housing Loans from adjustments to the terms of the loan in bankruptcy. These already are very, very lenient programs and, supposedly, all the work has been done so that there would not be the need to go to bankruptcy.

Also, Congressman HENSARLING offered, I offered on his behalf, three excellent amendments that would, I think, help with the issue of responsibility and accountability. The President talks a lot about that, but when it comes down to implementing those things in legislation, we see nothing coming from the majority on those issues.

Let me mention the Hensarling amendments which were denied, and we can't even vote on them. One would exclude from participation in the HOPE for Homeowners Program any borrower whose original loan was a zero down payment loan. Many of these people are treating these homes that they bought like rental property. They have no investment in them, and so when the economy goes south or the home is not worth as much as they thought it was worth, they just walk away from it. That's no sense of responsibility. We're just, again, rewarding irresponsibility.

Another amendment by Congressman HENSARLING would exclude from participation in the HOPE for Homeowners Program any borrower whose original loan documentation did not include verification of the amount and source of income. A lot of these loans were given out to people who did not bring information on their income. That seems a logical thing to do. Most people, again, who are paying their mortgages are people who paid something down and then were able to show that they could pay for the home ultimately.

And then the third one would have excluded from participation in the HOPE for Homeowners Program any borrower who has a family income that exceeds 125 percent of the area median income for where they live. Republicans are usually the ones criticized for helping wealthy people, but this bill is going to allow millionaires to be able to get help. We don't think that that's the right thing to do.

Those were three very logical amendments that were turned down. As I said, only one out of 20 of our amendments was accepted. So we think that this is a bad rule. We think it's a bad bill and we're going to urge our colleagues to vote "no" on it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my very good friend from Florida, the gentlewoman, Ms. CASTOR, an immediate past member of the Rules Committee that left us for greener pastures.

Ms. CASTOR of Florida. I thank the distinguished gentleman from Florida and my good friend, Mr. HASTINGS, for yielding the time.

Mr. Speaker, I rise today in strong support of the Helping Families Save Their Homes Act and this rule. This Act throws a lifeline to families who are fighting to stay in their homes during this economic crisis.

Now, as Mr. HASTINGS knows, we have a very high rate of foreclosures in the State of Florida, and my Tampa Bay area community has been particularly hard hit. That is why last year I began holding foreclosure prevention workshops, so that homeowners could sit down, face to face with lenders and servicers and work out a refinancing. I'm planning my fourth workshop now.

These homeowners appreciate the opportunity to sit down one on one because most of the time they have a very difficult time getting in touch with the lender or servicer. They won't answer the phone.

I know many in the banking industry do not like this bankruptcy provision that allows bankruptcy judges to modify home loans. But, frankly, they've brought this on themselves to a great extent. I encourage you all to check the video of Congresswoman MAXINE WATERS staying on the phone for an hour just trying to get a bank to answer the phone and pick up the line so that a responsible homeowner can get into a refinance. They don't want a bailout. They just want a little breathing room and the opportunity to refinance.

This Act today will help. It won't help everyone, but it will also provide a prod, an incentive to these banks to refinance these loans. It's fair and equitable to allow home loan modifications because right now, in bankruptcy, every other asset can be worked out. The new law will allow loan modifications in bankruptcies and it will prod the lenders and servicers to hire the necessary personnel, answer the phone, begin the refinancing that they should have been doing over the past year.

Many of these banks have received billions in taxpayer dollars. And I know that President Bush did not include a condition that these banks should refinance or sit down with folks and begin a discussion, but that must be a requirement now, or else foreclosures and the continued deterioration of all of our property values will continue.

President Obama's plan also will provide responsible homeowners with additional leverage. And Congresswoman DORIS MATSUI from California and I have an amendment contained in this Act that will encourage a holiday for foreclosures until President Obama's plan takes effect.

We're going to continue to stand up for responsible families and ensure that if you work hard and you play by the rules, the tools and resources will be available to help you stay in your home.

Ms. FOXX. Mr. Speaker, I would now like to recognize for 5 minutes my distinguished colleague from Iowa (Mr.

KING) to discuss the amendment that he had written that I offered last night in the Rules Committee, which was rejected. And I think he will share some very enlightening comments with us.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding, and also for her diligent endeavor on the Rules Committee to try to hold together the integrity of this system and this process.

On this cramdown legislation, the amendment that I offered in the Judiciary Committee was an amendment that would have, and I'd just take the language right out of it, it would have allowed the court to find that there had not been misrepresentation, false pretenses or actual fraud on the part of the lender if there's going to be a change in this contract ordered by a judge.

Now, we don't want to reward people who are lawbreakers, or those who are disingenuous, or those who, by fraudulent or misrepresentative means to take advantage of a lender under these circumstances. This is new territory we're in. It's a narrow standard in a significant way.

This was an amendment that not only I thought was a good proposal, Republicans thought it was a good proposal, but the Democrats also thought it was a good proposal. And this amendment is an amendment that I negotiated across the other side of the aisle in committee. It's an amendment that the chairman voted for. It's an amendment that passed, the bill passed on a recorded vote in committee, 21-3, Mr. Speaker.

So when that happens in this process, the people who took government class all over America and read the Constitution believe that's the language that comes to the floor, that the language that's approved by the committee on a final markup is the language that comes to the floor.

But what happened was, H.R. 200 was switched out for H.R. 1109, or whatever this bill is that we're working with. The language of this cramdown was to be transferred into that, but it was changed in that process. It was changed after we had a committee markup, a committee markup that apparently doesn't have any value when the will of the committee can be usurped by the staff of the committee. And I say the staff of the committee, because when I asked the chairman about this yesterday in the Judiciary Committee, he didn't seem to be aware that my language had been changed. And so we talked to their staff, and their staff said, well, there were Democrats that had some second thoughts. Wouldn't that include the chairman of the committee? And so they reconsidered and they rewrote the bill after the fact. And the final answer that came from the staff, the unelected staff, probably still employed, not if they were working for me, is "it is what it is." In other words, tough. You can pass an amendment. You can negotiate

an amendment. You can get a 21-3 vote. You can have the support of the chairman. But if they decide when the sun comes up the next morning that they want to change their mind, they will change the language in the bill without even having the courtesy of contacting the sponsor of the amendment, the ranking member of the committee or, apparently, the chairman of the committee.

And so I brought an amendment request to the Rules Committee last night. And thankfully, Dr. FOXX offered that amendment to the Rules Committee. It was voted down on a party-line vote.

So what we have now is a process that does not reflect representative government. It doesn't reflect the will of this Congress. It reflects the will of somebody's staff.

And there's plenty of means to change the language if there happens to be some kind of flaw in it. And I'll argue there is not. But there's plenty of means. That means would be come to the Rules Committee, bring your own amendment. Or bring this out on the floor for an up-or-down vote, or lobby the Senate to amend it over there, or seek to get something amended in conference. None of those avenues were followed, Mr. Speaker. And I think it brings a sense of shame upon this Congress that the integrity of a Member, of the entire Republican side of the aisle and many of the Democrats has all been usurped by what appears to be a staff decision, because I can't find a single elected Member that will say yes, I took responsibility and I didn't think you ought to know when I changed your language. That's what's going on.

I urge this body to vote down this rule. Take this thing back to the Rules Committee, bring us the language that was passed out of the Judiciary Committee, or at least let's have some dialogue on why it was changed in the dark of the night by staff without a single Member that will take accountability for what's happened here.

□ 1045

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from New York, a member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER of New York. Mr. Speaker, this legislation is an opportunity for Members to help families who are about to lose their homes thanks to a terrible combination of job loss, spiraling health costs, declining home values, and predatory lending practices. It will, among other things, correct a 30-year-old anomaly in the bankruptcy code.

If you're a family farmer, you're allowed to use bankruptcy to modify your mortgage. We enacted that law in 1986 during the farm foreclosure crisis. It was a success, and we made it permanent 3 years ago. If you're a real estate speculator or if you own 5 or 20 or

50 homes, you can modify your mortgage in bankruptcy. If you're a major corporation, you can modify all of your loans and contracts in bankruptcy. The only exception is the family home. Yet, while millions of middle class families are on the verge of losing their homes, much of the banking industry and some Members of this House are still opposed to providing the same relief to the middle class that is now enjoyed by farmers, speculators, the wealthy, and major corporations.

Lenders warn that we can't save the family home because it will increase borrowing costs for everyone else. This is the same industry that in 2005 told us that making bankruptcy more onerous would reduce people's interest costs by \$400 per year on their credit cards. Nothing of the sort happened, of course.

The banks have received billions of dollars from the taxpayers to keep the industry afloat, but they scream at the thought of our helping a few thousand families. I have nothing against Wall Street. In fact, it's in my district, but it is time we did something for the middle class homeowner. We tried the voluntary modification route without success. Maybe the programs in this bill will all work this time, but families getting thrown out of their homes shouldn't have to wait for Congress to figure out how to get banks to save the middle class. The banks have failed to save troubled homeowners. We must not fail. For every day we delay, the crisis deepens. People's lives hang in the balance. It is time we put American families first.

I urge my colleagues to support the rule, to support this legislation and to end this anomaly in the bankruptcy code that affects only homeowners. Let them enjoy the same rights as everyone else.

Ms. FOXX. Mr. Speaker, I mentioned before that 94 percent of the American people are paying their mortgages and are paying them on time, and they don't understand why this is happening and why they should be burdened with having to pay off the mortgages of people who are not being responsible and who are not being held accountable.

I want to share with you an article that came out in *The Washington Post* last December about the HOPE Program and about the situation that we're dealing with. When I read the article, it made me realize that our colleagues across the aisle are simply not in touch with reality. They don't have any idea about how the real world works. Most of them have not been in business. Most of them have not had to meet a payroll. They're living sort of in a Never Never Land, and I'm going to quote some things from this article that, I think, will help the public understand what that is.

There is criticism about the bill from the HUD Secretary. Now, that HUD Secretary was in the last administration, and there is a lot of blame back and forth between Congress and the ex-

ecutive branch. This is what the HUD Secretary said:

"What most people don't understand is that this program was designed to the detail by Congress."

So that bill was passed. The bill setting up the HOPE Program was passed under the Democratic Congress. It also shows how off their numbers are in so many cases when they make predictions. They said the 3-year program was supposed to help 400,000 borrowers avoid foreclosure, but between October and December of last year, only 312 applications had come into the program.

Let me tell you a little bit about why that is the case and why, I think, people who irresponsibly got mortgages to begin with continue to look for bailouts and continue to look for welfare. This is basically expanding the welfare program in our country by passing this bill. Here is what one of the people said who is working with those people who might benefit from the program:

"Getting the lenders to agree has been our biggest challenge," said Peyton Herbert, director of the foreclosure services at HomeFree-USA, a housing counseling firm in Hyattsville.

This is what he says. This is the ridiculous way that these folks respond to this. He says, "The lenders want dollar for dollar what's owed on that loan or something close to it. That's the fly in the ointment."

Imagine that. People who loan other people money want them to pay it back dollar for dollar. Isn't that an unusual situation? But that's the way most of us operate in this country. However, most of these people who got these loans and who are in trouble now got them because they never expected to pay them back. They expected somebody to bail them out. They weren't honest when they got the loans, and now they're going to be bailed out by this legislation.

The other thing, which is just mind-boggling to me, is how the press writes these. Okay. "The number one impediment is the lenders will redo their loans if the people promise to pay them back." Now, that's the way it usually operates, but the article goes on to say, "The list of impediments goes on."

That's the attitude of *The Washington Post*. There is an impediment given out there to the people who want to redo their loans. Do you know what that impediment is? That the people who are getting these loans, if their home increases in value, they have to split that value with the Federal Government, which is underwriting their loan, if they sell the home; and the people don't want to do that.

Again, there is no sense of responsibility. We didn't hear the President the other night talk about personal responsibility, personal accountability. He uses those words a lot, but he never pins them on anybody. It's just unbelievable that that's the attitude that people have. They could be getting help that already exists out of the HOPE Program, but they don't do it because

they don't want to pay the money back, and they don't want to share the increase in value with the Federal Government, which is underwriting their mortgage, if they ever sell the home.

Again, I think they're living in a Never Never Land. They think that they're due this money for free. They've been taught to live in a welfare society. We're continuing the welfare mentality. We're going back to welfare that was done away with when the Republicans took over the Congress in 1995. That is not what the American people want.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, my good friend from North Carolina refers to the President's constant statements five or six times during his joint resolution speech of calling for responsibility and accountability, and what she says is that he never pins it on anybody.

My recollection of his speech was he said, "including me," when he was talking about responsibility and accountability. If that's not pinning it on somebody, I don't know what is.

Mr. Speaker. I am very pleased at this time to yield 3 minutes to the distinguished gentlewoman from Ohio, my colleague and former member of the Rules Committee, Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, on October 3, 2008, Addie Polk, a 90-year-old woman from Akron, Ohio, in my district, shot herself because her home was in foreclosure. Ms. Polk fell behind on her mortgage payments, and could not bear to lose the home that she had lived in for nearly 40 years. Fortunately, Ms. Polk survived and her home was saved, but Ms. Polk is not alone.

Millions of homeowners across the country are finding it more difficult to keep up with their payments. Homeowners are struggling for many reasons. Many, in fact, have lost their jobs. You're right when you say Americans don't want welfare—they want jobs—which is why we passed the recovery act just a couple of weeks ago. Some have lost their homes because of health care costs, another issue that our President and this Congress are set to take action on. Some have lost their homes because they were deceived into signing predatory loans, another issue that we're acting on, and some did get in over their heads when they shouldn't have.

Regardless of the cause, the crisis is real. It is real not only for homeowners like Addie Polk who are losing their homes; it is real for our communities, and it is real for our country. We have an interest and a responsibility to do better in dealing with the challenge.

Today, the House will vote on the Helping Families Save Their Homes Act. The bill provides homeowners with options to refinance into mortgages that they can afford, and it will help countless families stay in their homes. Now, this is not the end. It is

just one step in tackling the housing challenge that we face as a nation.

I urge my colleagues to vote "yes" on this crucial legislation because Americans like Addie Polk and so many others out there deserve more than feeling so desperate as to shoot themselves, after living in a home for almost 40 years, for fear of losing it.

Ms. FOXX. Mr. Speaker, I want to say there is another issue here related to process that, I think, we need to talk about.

Many people say that the American people's eyes glaze over when we talk about the process here and that they don't really care, but I think we showed a couple of weeks ago that they do care and that they're watching and that they're paying close attention to what's going on in Congress, because the American people believe in fair play, and they believe that we should play by the rules.

So often, Congress passes bills and exempts itself. It often passes rules, and the majority exempts itself. One of the ways that Congress is exempting itself or that the majority is exempting itself right now on this bill, on this rule, is with something they call PAYGO. Now, the majority party 2 years ago made a big splash and got a lot of great publicity, saying, "Everything is going to be pay as you go." It's abbreviated PAYGO. "We're not going to do any more spending unless we cut spending somewhere else. We want to be diligent."

They criticized Republicans for years on the deficit. They criticized Republicans for spending too much money. They were going to show that they were different. Yet what have they done every time they've gotten a major bill they've wanted to pass? They've just waived the PAYGO rules. It's real simple, and it usually doesn't get a lot of publicity because they got all that great publicity for saying that they weren't going to do that, but that's what's happening here, ladies and gentlemen. The PAYGO rules have been waived on this bill.

They don't want to show the American people how again they're abusing their own rules, how they're being unfair to the American people because they're saying one thing and they're doing another. They say, We want to bring down the deficit. We want to curtail spending. What they're actually doing, as I said earlier, is bringing back the old welfare system. We saw that with the stimulus bill. We saw it with the appropriations bill. It's back to the old style of welfare. We don't have to ask people to work to draw welfare payments. No. Let's just get rid of that. Let's extend the payments. Let's increase the payments. Let's put more people on welfare. That's exactly what this bill does. We're simply going to be increasing welfare.

The way they do that is to say, By passing this bill, we don't have to show how we're not increasing the deficit, so we'll just waive that rule, and nobody

is going to notice it. Well, I think the American people are noticing that. I think they are paying attention.

Again, the majority of the American people who are paying their mortgages, who are playing by the rules, who are going to work every day, and who are doing their jobs are getting sick and tired of the increase in the welfare system again. Here you go. The Democrats have been in charge of the Congress for a little over 2 years, and what do we see but a massive increase in welfare.

I appreciate my colleague talking about the President saying he was going to be responsible, that he was going to be held accountable, but you know, we've not seen anything written into legislation so far. I've asked about that. Again, I appreciate very much Chairman CONYERS putting a little piece in this bill about accountability. I think that was good.

We're going to look at bankruptcy judges, see if they're abusing their power, make sure we have some idea of what they're going to be doing. We give them 2 years to make that report—it's plenty of time—but I have great concern over the fact that the majority party has waived the PAYGO rules on this bill. That's a part of what they're doing, and I think the American people are concerned about that, too.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire, please, as to the amount of time remaining on each side?

The SPEAKER pro tempore. The gentleman from Florida has 14 minutes, and the gentlelady from North Carolina has 7½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from Florida, my fellow Floridian and classmate, my good friend, Ms. BROWN.

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Thank you for giving me the opportunity to speak on this rule.

Mr. Speaker, I rise in support of this bill but with some reservations because I know that it's not a perfect bill, but it's a perfect beginning. I also have held numerous meetings in my district concerning foreclosure, and, you know, we need to assist people to avoid the foreclosure process.

We have over 1,000 foreclosures a month in my district of Florida, and we need to include legal aid and other community organizations like Wealth Watchers and those that are helping families to avoid losing their homes in foreclosure.

Mr. HASTINGS, I have a question that I want to ask.

As we move forward, is there a possibility that we can work to include additional assistance for families so that

they can avoid foreclosure? Some of the Members are telling people the problem is they're not getting good legal representation, and I think this is something that's missing in the bill. And what can we do to make sure when this bill leaves the House and the Senate and it goes to conference, that we can include additional assistance for families so they can avoid bankruptcy because there is a stigma attached to bankruptcy, and the banks don't have this stigma. And I am just concerned that people will have this stigma.

What can we do to assist these families?

Mr. HASTINGS of Florida. If the gentlelady will yield.

I'm not in a position to speak for the Judiciary Committee, but the distinguished Chair of the Judiciary Committee obviously will be one of the conferees, and if such an opportunity exists, then I would urge the gentlelady to speak with he and the Chair of Financial Services.

I think the gentlelady brings up an outstanding point that's true throughout the Nation where people are in need of appropriate legal representation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. Mr. Speaker, I yield an additional 1 minute.

Ms. CORRINE BROWN of Florida. I met with the credit unions who have been working very hard and doing a real good job, but they are not included. They can't get any of the TARP money, so they are limited with their amount of participation. We are having a hard time getting banks to get them to do what we intended them to do.

What is the possibility that we can also discuss how we can include credit unions in getting additional resources to help our constituents?

Mr. HASTINGS of Florida. If the gentlelady would yield.

I'd have you to know that this won't be the last vehicle in straightening out financial services.

But you cite to the credit unions correctly. I, too, have had meetings with them. They're very concerned about the cramdown provisions allowing that it may very well cause increases, and they have been extremely responsible in our respective communities.

Ms. CORRINE BROWN of Florida. Thank you very much for the time, and I hope we can work to perfect this bill.

Ms. FOXX. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. ZOE LOFGREN), a member of the Judiciary Committee who has worked tirelessly in producing this particular document along with Chairman CONYERS and Chairman FRANK and other members of their respective committees.

Ms. ZOE LOFGREN of California. Mr. Speaker, we are facing a crisis of his-

toric proportions in the housing market. Every 13 seconds, a new house in America goes into foreclosure. What this has caused is a dramatic decline in the value of housing all over the United States. For example, in Contra Costa County, across the bay from my home, housing values in one year have declined 53 percent. So those values, the collapsing housing market, is something we need to interrupt. This bill is part of that effort to interrupt the collapse of the housing markets by doing something that we should have done long ago to restore fairness to the bankruptcy system.

Now, bankruptcy has been part of the Constitution since the very beginning of the United States, and what it allows is for people who are insolvent, who cannot pay their bills, to go into bankruptcy court and reorganize. The unfortunate thing is—and the unfair thing—is that people who are bankrupt, who are insolvent, who are in bankruptcy court, can get reorganization for their yacht, for their investment property, for their vacation homes, for their cars, for their credit cards, for their jet airplane, but not for the mortgage on their principal residence. That's not fair. That's not reasonable.

This bill changes that. And in doing so, it restores some fairness to the chapter 13 process.

The voluntary modification system has not worked so well. According to Business Week last week, only 35 percent of the voluntary modifications have actually resulted in lower monthly payments. In fact, in 47 percent of the cases, they've resulted in increased mortgage payments. So it's small wonder that most of those voluntary reorganizations end up with a re-default in 6 months.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. Mr. Speaker, I yield the gentlelady an additional 1 minute.

Ms. ZOE LOFGREN of California. I would just like to note not anyone can go into bankruptcy court. You have to be insolvent. We made it very tough in 2005 to get in there. But we do believe that banks and lenders will come to the table with the stick that homeowners could, in fact, go into the bankruptcy court for relief.

It's important to note what this is not. This won't cost the taxpayers one dime. This is about lenders eating part of the cost for the collapse of the housing market. It's not a bailout from the taxpayers. It makes lenders take some responsibility for what has happened. I think it's about time that the banks stood up to their own responsibility and participated in part of this solution, which they have not done to date.

This bill has been narrowed. It's only for retroactive loans. We've made many other adjustments, but it's sound policy. It's something we should do as soon as possible. It's going to help millions of people, and it's going to help

stop the collapse of the housing market and the collapse of prices.

Ms. FOXX. Mr. Speaker, could I inquire of the gentleman from Florida if he has any more speakers?

Mr. HASTINGS of Florida. I do have one more speaker, and I will be prepared to close.

Ms. FOXX. Mr. Speaker, I will reserve the balance of my time.

Mr. HASTINGS of Florida. At this time, Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this rule and in strong support of the underlying bill.

Mr. Speaker, we are not going to fix our economy until we fix the problem in the housing market, which currently has risen to the level of a national crisis. In my home State of Rhode Island, we've been deeply affected by the downturn in the housing market. Our foreclosure rate last year was ranked 10th worst in the Nation, according to the Mortgage Bankers Association. And to make matters worse, we currently have the second highest unemployment rate in the country at 10 percent.

A lack of action on the housing issue is going to lead to even more dire consequences.

Now, in order for the economy to recover, it's evident that action must be taken to prevent foreclosures, help more families preserve home ownership and stabilize home prices. H.R. 1106, the Helping Families Save Their Homes Act, provides the resources that homeowners and lenders will need to guide them through this crisis.

We also must ensure that the appropriate measures are in place to prevent this kind of crisis from ever happening again. This bill goes a long way towards fixing our housing programs.

And I want to thank our colleagues, especially Chairman CONYERS and Chairman FRANK, for their outstanding and tireless efforts on this measure.

Ms. FOXX. Mr. Speaker, you know, we hear all this talk about bipartisanship. Bipartisanship to the other side, to the majority party, means do it my way. That's what bipartisanship means to them. Bipartisanship to us means how about we have a discussion? How about we bring up some amendments and have some votes on them? If you're so sure that your position is right, bring those amendments up for a vote. Let's see what kind of votes they're going to get. No. They won't even allow amendments to be voted on. That's not bipartisanship.

We had 20 amendments offered for this bill. Only one was accepted. That's not bipartisanship. Bipartisanship would be, again, bringing up lots of Republican amendments. Let them be voted on. Again, people who are sure of their position aren't afraid of having votes on alternative points of view.

Again, the American people are watching us. They're watching this Congress, and we know the Congress is putting off some tough votes they don't want to deal with right now because they know the American people are watching. And you know, that's one of the best things that I think has come out of last year's election and, perhaps, the economic uncertainty.

People are suffering. Republicans are concerned about that. We want to do everything we can to help those people who are suffering. But what this Congress has done so far hasn't helped those people who are suffering. It hasn't helped the people who are working and lost their jobs through no fault of their own.

We want bipartisanship, but it should be true bipartisanship. It's not "do it our way or do it not at all."

You know, I respect my colleague from California who just spoke and said that this bill doesn't cost taxpayers anything; it only costs the lenders. Well, who are the lenders? They're banks that are owned by stockholders. Those, the last time I looked, were taxpayers. They're the real taxpayers. That, again, is part of the out-of-this-world mentality that the people on the other side of the aisle have. It doesn't cost anybody.

I had people in my office and they said, "Oh, this bill doesn't cost anything." I said, "Pardon me? You mean they're going to cram down the mortgages, they're going to reduce the amount of the mortgages? Who's going to pay the difference between the original amount and the cramdown amount?"

"Oh, those are the bankers. But it just means they won't be as rich as they were before."

That's not the way this country operates. "Cramdown" is the right name for the people talking about part of this legislation. That's exactly what it is. And what are we doing here?

You know, the New York Post—not exactly known as the most conservative newspaper in the world—calls it the Foreclosure Five. What we are doing is we are bailing out people in five States. And is it any surprise that those five States are California, Nevada, Arizona, Florida, and Michigan? Where is the leadership in the majority party? California and Nevada. Is it surprising?

This is just more earmark legislation, ladies and gentlemen. More earmarks. We're bailing out these five States.

This is not a crisis of a national proportion. This is a personal matter, not a national crisis.

Falling home prices are not the problem. Home prices went up tremendously for several years. Everybody knew that was going to have to come to a halt. Again, people living in this world knew that. People who had a real-world mentality understood that. But if you're living in Never Never Land, if you're living on the welfare

mentality, then you assume you can behave any way you want to and somebody is going to bail you out. And that's what this legislation does.

□ 1115

Lots of newspaper articles and magazines have said, "What this plan is doing is undercutting the banking and private sectors, and hurt many honest, hardworking people." That's a commentary from the Street. Over and over and over again we hear, "we're subsidizing bad behavior," an article in the National Review. And that's exactly what this legislation does, it subsidizes bad behavior.

This is a sham. It is hurting average Americans who pay their bills, who do their work. You know, I think that the majority party has an addiction to spending other people's money, and that's what this does. Again, saying it doesn't cost the taxpayers anything is ridiculous. It's going to cost the taxpayers a lot of money, both directly and indirectly. And I want to say that this is a bad bill, it's a bad rule, and I want to urge my colleagues to vote "no."

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of the time.

This is a good rule for a critically important bill that addresses our current housing market crisis.

My friend from North Carolina speaks of the leadership of this committee being from California and Nevada, the Democratic majority. It is true that Speaker PELOSI is from California and it is true that Senator HARRY REID is from Nevada, but they are two people. There are other people in the leadership in the majority, Senator DURBIN from Illinois, Mr. CLYBURN from South Carolina, Mr. LARSON from Connecticut, the distinguished majority leader, STENY HOYER, from Maryland.

What we are talking about here is a universal problem insofar as this country is concerned. And I'm just back from an anti-Semitism conference in England, where I read, very actively, regarding their home crisis in the United Kingdom. We are also experiencing a whole global set of circumstances.

Mr. Speaker, in today's Daily Summary, the quote is made from the majority whip's office that Confucius said, "The strength of a nation is derived from the integrity of its homes." I can think—and I'm sure every Member here can think—of all of our families through the years that among the things that they wanted was an opportunity to have a home. When my good friend from North Carolina speaks about returning to welfare, I didn't, when I was a boy, think that it was welfare after the Second World War when the Federal Home Administration, old FHA, and the Veterans Administration built a monument to mid-

dle class homes in this country, many of them still standing, many of them giving the foundation, a safe and inhabitable environment for people to raise their children as a result of those particular programs, followed by their successor, the Housing and Urban Development Department. I, as a young lawyer, participated in a variety of methods that gave low and moderate income families an opportunity to have a safe and inhabitable environment under programs such as 221D-3, 221H, a variety of programs rehabilitating properties, building homes for seniors, and giving everybody a chance.

I would like to add an anecdote. The value of my home in my neighborhood in Miramar, Florida, has decreased substantially. Other Members in this body are experiencing the same thing. I have paid my mortgage for 11 years every month on time. If my home value decreases another 6 percent, I will have an upside down or underwater mortgage, having done nothing but the right thing. But there are seven of my neighbors that I know of that are in foreclosure. And fortunately our homeowners association is mindful of the need that we have to work together.

This is a collective thrust, this piece of legislation. This is something to help us all. That's what Americans do. It is not a giveaway. It is not welfare when I look out for my neighbors and they look out for me, it is the potential to lay the foundation for us to get out of a crisis that is in an enormous one for this entire Nation.

Nearly 6 million households in America face foreclosure. My State of Florida has the second highest foreclosure rate after California. It's just plain old common sense for Congress to pass a bill that will help working families who have played by the rules and acted responsibly to stay in their homes and to continue to pay off their mortgages. We can't run away from this crisis. We must rebuild. And we must help those in need.

Neighborhoods in the district that I'm privileged to represent, as well as around this Nation, are struggling, homes are being foreclosed, and we have an opportunity to mitigate the destructive impact of those foreclosures on families and communities. I urge my colleagues to vote in favor of this rule so that we may support a bill that will give millions of Americans the opportunity to stay in their homes and not be forced out on the streets.

In defense of some of the services, in my district, Ocwen Financial Services has been doing loan modifications on their own, and their return rate for foreclosures is substantially less than the norm. There just are some good ones out there. The credit unions and the community banks have been doing responsible lending. They did not take advantage of people who may not have known what they were doing or who should have known and took advantage of the system to buy homes that they should not have bought. It's just that simple.

Mr. Speaker, I urge a “yes” vote on the previous question and on the rule. And I beg of us all to understand the critical need that we have to work together in this country, Democrats and Republicans, liberals and conservatives. Everybody in this Nation must face this problem. And, yes, we must act responsibly; and yes, we must act with accountability. And that’s what this measure, as authored by the distinguished Chair of the Judiciary Committee and the distinguished Chair of the Financial Services Committee, working in conjunction with their colleagues—I might add in a bipartisan way. There are few people here that have had as many markups as they had in Judiciary and Financial Services. And when they come before the Rules Committee, all I hear of them is the fairness of Congressman CONYERS and the fairness of Congressman FRANK. So to say that these measures are not bipartisan or that others are not being listened to is just absolutely wrong.

Let us pass this measure.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 238, nays 183, not voting 10, as follows:

[Roll No. 88]

YEAS—238

| | | |
|----------------|---------------|-----------------|
| Abercrombie | Cohen | Fudge |
| Ackerman | Connolly (VA) | Giffords |
| Adler (NJ) | Conyers | Gonzalez |
| Andrews | Cooper | Gordon (TN) |
| Arcuri | Costa | Grayson |
| Baca | Costello | Green, Al |
| Baird | Courtney | Green, Gene |
| Baldwin | Crowley | Griffith |
| Bean | Cuellar | Grijalva |
| Becerra | Cummings | Grijalva |
| Berkley | Dahlkemper | Hall (NY) |
| Berman | Davis (AL) | Halvorson |
| Bishop (GA) | Davis (CA) | Hare |
| Bishop (NY) | Davis (IL) | Harman |
| Blumenauer | Davis (TN) | Hastings (FL) |
| Boccieri | DeFazio | Heinrich |
| Boren | DeGette | Herseth Sandlin |
| Boswell | Delahunt | Higgins |
| Boyd | DeLauro | Himes |
| Brady (PA) | Dicks | Hinchee |
| Bralley (IA) | Dingell | Hinojosa |
| Bright | Doggett | Hirono |
| Brown, Corrine | Doyle | Hodes |
| Butterfield | Driehaus | Holden |
| Capps | Edwards (MD) | Holt |
| Capuano | Edwards (TX) | Honda |
| Cardoza | Ellison | Hoyer |
| Carnahan | Ellsworth | Inslee |
| Carney | Engel | Israel |
| Carson (IN) | Eshoo | Jackson (IL) |
| Castor (FL) | Etheridge | Jackson-Lee |
| Chandler | Farr | (TX) |
| Clarke | Fattah | Johnson (GA) |
| Clay | Filner | Johnson, E. B. |
| Cleaver | Foster | Kagen |
| Clyburn | Frank (MA) | Kanjorski |

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|------------------|------------------|---------------|---------------|---------------|--------------|
| Kennedy | Mollohan | Scott (GA) | Sensenbrenner | Stearns | Upton |
| Kildee | Moore (KS) | Scott (VA) | Sessions | Sullivan | Walden |
| Kilpatrick (MI) | Moore (WI) | Serrano | Shadegg | Taylor | Wamp |
| Kilroy | Moran (VA) | Sestak | Shimkus | Teague | Westmoreland |
| Kind | Murphy (CT) | Shea-Porter | Shuster | Terry | Whitfield |
| Kirkpatrick (AZ) | Murphy, Patrick | Sherman | Simpson | Thompson (PA) | Wilson (SC) |
| Kissell | Murtha | Shuler | Smith (NE) | Thornberry | Wittman |
| Klein (FL) | Nadler (NY) | Sires | Smith (NJ) | Tiahrt | Wolf |
| Kosmas | Napolitano | Skelton | Smith (TX) | Tiberti | Young (AK) |
| Kratovil | Neal (MA) | Slaughter | Souder | Turner | Young (FL) |
| Kucinich | Oberstar | Smith (WA) | | | |
| Langevin | Obey | | | | |
| Larsen (WA) | Olver | Snyder | | | |
| Larson (CT) | Ortiz | Space | | | |
| Lee (CA) | Pallone | Speier | | | |
| Levin | Pascrell | Spratt | | | |
| Lewis (GA) | Pastor (AZ) | Stupak | | | |
| Lipinski | Payne | Sutton | | | |
| Loeb sack | Perlmutter | Tanner | | | |
| Lofgren, Zoe | Peters | Tauscher | | | |
| Lowey | Peterson | Thompson (CA) | | | |
| Lujan | Pingree (ME) | Thompson (MS) | | | |
| Lynch | Polis (CO) | Tierney | | | |
| Maffei | Pomeroy | Titus | | | |
| Maloney | Price (NC) | Tonko | | | |
| Markey (CO) | Rahall | Towns | | | |
| Markey (MA) | Rangel | Tsongas | | | |
| Marshall | Reyes | Van Hollen | | | |
| Massa | Richardson | Velázquez | | | |
| Matsui | Rodriguez | Visclosky | | | |
| McCarthy (NY) | Rothman (NJ) | Walz | | | |
| McCollum | Roybal-Allard | Wasserman | | | |
| McDermott | Ruppersberger | Schultz | | | |
| McGovern | Rush | Waters | | | |
| McIntyre | Ryan (OH) | Watson | | | |
| McMahon | Salazar | Watt | | | |
| McNerney | Sánchez, Linda | Waxman | | | |
| Meek (FL) | T. | Weiner | | | |
| Meeks (NY) | Sanchez, Loretta | Welch | | | |
| Melancon | Sarbanes | Wexler | | | |
| Michaud | Schakowsky | Wilson (OH) | | | |
| Miller (NC) | Schauer | Woolsey | | | |
| Miller, George | Schiff | Wu | | | |
| Minnick | Schrader | Yarmuth | | | |
| Mitchell | Schwartz | | | | |

NAYS—183

| | | |
|-----------------|---------------|-----------------|
| Aderholt | Dreier | Luetkemeyer |
| Akin | Duncan | Lummis |
| Alexander | Ehlers | Lungren, Daniel |
| Altmire | Emerson | E. |
| Austria | Fallin | Mack |
| Bachmann | Flake | Manzullo |
| Bachus | Fleming | Marchant |
| Barrett (SC) | Forbes | Matheson |
| Barrow | Fortenberry | McCarthy (CA) |
| Bartlett | Fox | McCaul |
| Barton (TX) | Franks (AZ) | McClintock |
| Berry | Frelinghuysen | McCotter |
| Biggett | Gallely | McHenry |
| Bilbray | Garrett (NJ) | McHugh |
| Bilirakis | Gerlach | McKeon |
| Bishop (UT) | Gingrey (GA) | McMorris |
| Blackburn | Gohmert | Rodgers |
| Blunt | Goodlatte | Mica |
| Boehner | Granger | Miller (FL) |
| Bonner | Graves | Miller (MI) |
| Bono Mack | Guthrie | Moran (KS) |
| Boozman | Hall (TX) | Murphy, Tim |
| Boustany | Harper | Myrick |
| Brady (TX) | Hastings (WA) | Neugebauer |
| Broun (GA) | Heller | Nunes |
| Brown (SC) | Hensarling | Olson |
| Brown-Waite, | Herger | Paul |
| Ginny | Hill | Paulsen |
| Buchanan | Hoekstra | Petri |
| Burgess | Hunter | Pitts |
| Burton (IN) | Inglis | Platts |
| Buyer | Issa | Poe (TX) |
| Calvert | Jenkins | Posey |
| Camp | Johnson (IL) | Price (GA) |
| Cantor | Johnson, Sam | Putnam |
| Capito | Jones | Radanovich |
| Carter | Jordan (OH) | Rehberg |
| Castle | Kaptur | Reichert |
| Chaffetz | King (IA) | Roe (TN) |
| Chillers | King (NY) | Rogers (AL) |
| Coble | Kingston | Rogers (KY) |
| Coffman (CO) | Kirk | Rogers (MI) |
| Cole | Lamborn | Rohrabacher |
| Conaway | Lance | Rooney |
| Crenshaw | Latham | Ros-Lehtinen |
| Culberson | LaTourette | Roskam |
| Davis (KY) | Latta | Ross |
| Deal (GA) | Lee (NY) | Royce |
| Dent | Lewis (CA) | Ryan (WI) |
| Diaz-Balart, L. | Linder | Scalise |
| Diaz-Balart, M. | LoBiondo | Schmidt |
| Donnelly (IN) | Lucas | Schock |

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|---------------|---------------|--------------|
| Sensenbrenner | Stearns | Upton |
| Sessions | Sullivan | Walden |
| Shadegg | Taylor | Wamp |
| Shimkus | Teague | Westmoreland |
| Shuster | Terry | Whitfield |
| Simpson | Thompson (PA) | Wilson (SC) |
| Smith (NE) | Thornberry | Wittman |
| Smith (NJ) | Tiahrt | Wolf |
| Smith (TX) | Tiberti | Young (AK) |
| Souder | Turner | Young (FL) |

NOT VOTING—10

| | | |
|----------|--------------|-----------|
| Boucher | Kline (MN) | Perriello |
| Campbell | Miller, Gary | Stark |
| Cao | Nye | |
| Cassidy | Pence | |

□ 1152

Mr. MCHUGH changed his vote from “yea” to “nay.”

Mr. KISSELL changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

HONORING GAY TOPPER

Mr. HOYER. Mr. Speaker, just 2 days ago—and I know one of the Members said can we do this after votes—but some people, like Mike Sheehy we talked about the other day, have put in extraordinary weeks and months and years serving this institution and every one of us. They make this institution run in a way that accommodates not only the contention but the compromise and the action. They do so as well with a spirit that makes this a better place in which to work. As surely as each of us who are elected, they serve our country and serve it well.

I have particular honor to rise on behalf of all of us, not just the majority party. I will yield to my friend, the minority leader, the Republican leader in just a minute, but I am particularly pleased to rise because this particular person lives in my district. I’ve known her for a long period of time.

She has served the House of Representatives for 32 years. She must have started at 9 or 10 years of age, I think. She is the retiring clerk to the Parliamentarian. She will retire tomorrow. It will be her last day. All of you have seen her, if you don’t know her. If you’ve seen her and talked to her, you know that she is a warm and gracious person who greets all of us of whatever party, whether we’re first-year Members or, in my case, a 29th-year Member.

She will be retiring tomorrow. She lives in Upper Marlboro, and she graduated from Frederick Douglass High School, which is in my county and the county represented by my colleagues DONNA EDWARDS and CHRIS VAN HOLLEN.

She started working in the House of Representatives in 1977 as an official reporter where she worked until 1986. She began working for the Office of the Parliamentarian in 1987 and has worked there for 22 years.

The Office of the Parliamentarian is an absolutely critical office, non-partisan, knowledgeable, focused on assuring that the business of the American people is done in a way that reflects fairness and reflects well on the

House as an institution. And each and every one of those who work with our Parliamentarian, John Sullivan, make it a better service organization, not just for the House of Representatives but, as I said, for the American people.

Before I close, I want to yield to my friend, the Republican leader, JOHN BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague for yielding, and, Gay, congratulations and thank you for 32 years of service to the House. We, as Members, are fortunate to have a lot of professionals who help us do our job and help our country do the job that they sent us here to do, and whether they work in the Parliamentarian's office like Gay, whether they work here on the floor, in committees or in our personal staffs, we're very fortunate to have people such as yourself help us do the job the American people sent us here to do.

And I just wanted to rise today and say thank you. Thank you for 32 years. God bless your soul for putting up with all of us for 32 years, but we're glad you did.

Thank you.

Mr. HOYER. I now want to yield to a Member, senior to me, very good friend from Michigan who has served this institution so well, Congressman KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

My tenure here started about the same time as Gay Topper's tenure, and you know, through those years I never knew what party she belonged to. I do know that she was a great American and a great human being, and those of us who had the opportunity of coming in contact with her became better people because of her professionalism, her kindness, her gentleness, her knowledge, not just to the Members but to the pages.

The two pages sitting right there, when my son, one summer, sat there as documentarian, he would come home at night and talk about how kindly, how friendly Gay was to the pages. That's very important. That kindness means so much in this House. It helps sometimes take off those sharp edges, and she has done that.

This House is a better House because of Gay Topper, and I can say personally, Mr. Speaker, that I'm a better person because of Gay Topper.

Thank you very much. God bless you, Gay.

Mr. HOYER. I yield to my friend.

Mr. LaTOURETTE. I thank the majority leader for yielding.

I just wanted to add on our side, in happier times—and I know you won't agree with me, but I define happier times as when the Republicans were in the majority—a number of us had the opportunity to spend very long evenings in the chair as the Speaker's representative, during the appropriations process in particular.

I know it won't come as a surprise to Members, but when you've heard that 50th speech on the National Endow-

ment for the Arts or the 40th observation about whether or not an IUD is an abortifacient, you have some time on your hands when you're in the chair and you get to know people. And one of the people that you get to know is Gay Topper. Professionalism is right. And I tell Mr. KILDEE, I found out she was a Democrat after about 10 years of being up there.

□ 1200

But you get to know people. You get to know people, and you also get to know the professionalism.

A lot of us think on each side somehow the Chair is rigged up there. Well, it is not rigged. I can remember a debate one evening when a Member, I won't name the Member, said, "Hey, I want you to give me a minute like you just gave that Republican." And I turned to Gay and I said, "Give the gentlelady the same minute you gave the Republican," and she did.

Gay, we are going to be a poorer institution without you, and I want to thank you on behalf of us during those happier times for your service.

Mr. HOYER. Thank you, Mr. LATOURETTE.

Mr. Speaker, I will close on behalf of the Speaker and myself; and I know that the Speaker, on behalf of all the House, irrespective of party, Gay, wants to thank you for the service you have given to us, the friend you have been to us, the fairness you have displayed throughout 32 years of your career, and wish you Godspeed.

Thank you very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 198, not voting 9, as follows:

[Roll No. 89]

YEAS—224

| | | |
|---------------|----------------|--------------|
| Abercrombie | Brown, Corrine | Crowley |
| Ackerman | Butterfield | Cuellar |
| Adler (NJ) | Capps | Cummings |
| Andrews | Capuano | Dahlkemper |
| Arcuri | Cardoza | Davis (AL) |
| Baca | Carnahan | Davis (CA) |
| Baird | Carney | Davis (IL) |
| Baldwin | Carson (IN) | Davis (TN) |
| Bean | Castor (FL) | DeFazio |
| Becerra | Clarke | DeGette |
| Berkley | Clay | Delahunt |
| Berman | Cleaver | DeLauro |
| Bishop (GA) | Clyburn | Dicks |
| Bishop (NY) | Cohen | Dingell |
| Blumenauer | Connolly (VA) | Doggett |
| Bocieri | Conyers | Doyle |
| Boren | Cooper | Driedhaus |
| Boyd | Costa | Edwards (MD) |
| Brady (PA) | Costello | Edwards (TX) |
| Braleigh (IA) | Courtney | Ellison |

| | | |
|-----------------|-----------------|------------------|
| Engel | Lipinski | Roybal-Allard |
| Eshoo | Loeb | Ruppersberger |
| Etheridge | Lofgren, Zoe | Rush |
| Farr | Lowey | Ryan (OH) |
| Fattah | Lujan | Salazar |
| Filner | Lynch | Sánchez, Linda |
| Foster | Maffei | T. |
| Frank (MA) | Maloney | Sanchez, Loretta |
| Fudge | Markey (CO) | Sarbanes |
| Gonzalez | Markey (MA) | Schakowsky |
| Gordon (TN) | Marshall | Schauer |
| Grayson | Matsui | Schiff |
| Green, Al | McCarthy (NY) | Schwartz |
| Green, Gene | McCollum | Scott (GA) |
| Griffith | McDermott | Scott (VA) |
| Grijalva | McGovern | Serrano |
| Gutierrez | McIntyre | Sestak |
| Hall (NY) | McMahon | Shea-Porter |
| Halvorson | McNerney | Sherman |
| Hare | Meek (FL) | Sires |
| Harman | Meeks (NY) | Skelton |
| Hastings (FL) | Melancon | Slaughter |
| Heinrich | Miller (NC) | Smith (WA) |
| Herse | Miller, George | Snyder |
| Higgins | Mitchell | Space |
| Himes | Mollohan | Speier |
| Hinche | Moore (KS) | Spratt |
| Hinojosa | Moore (WI) | Stupak |
| Hirono | Moran (VA) | Sutton |
| Hodes | Murphy (CT) | Tanner |
| Holden | Murphy, Patrick | Tauscher |
| Holt | Murtha | Thompson (CA) |
| Honda | Nadler (NY) | Thompson (MS) |
| Hoyer | Napolitano | Tierney |
| Inslee | Neal (MA) | Titus |
| Israel | Nye | Tonko |
| Jackson (IL) | Oberstar | Towns |
| Jackson-Lee | Obey | Tsongas |
| (TX) | Oliver | Van Hollen |
| Johnson (GA) | Ortiz | Velázquez |
| Johnson, E. B. | Pallone | Visclosky |
| Kagen | Pascarella | Walz |
| Kanjorski | Pastor (AZ) | Wasserman |
| Kennedy | Payne | Schultz |
| Kildee | Perlmutter | Waters |
| Kilpatrick (MI) | Peters | Watson |
| Kilroy | Pingree (ME) | Watt |
| Kind | Polis (CO) | Waxman |
| Kissell | Pomeroy | Weiner |
| Klein (FL) | Price (NC) | Welch |
| Langevin | Rahall | Wexler |
| Larsen (WA) | Rangel | Wilson (OH) |
| Larson (CT) | Reyes | Woolsey |
| Lee (CA) | Richardson | Wu |
| Levin | Rodriguez | Yarmuth |
| Lewis (GA) | Rothman (NJ) | |

NAYS—198

| | | |
|--------------|-----------------|------------------|
| Aderholt | Chandler | Hensarling |
| Akin | Childers | Herger |
| Alexander | Coble | Hill |
| Altmire | Coffman (CO) | Hoekstra |
| Austria | Cole | Hunter |
| Bachmann | Conaway | Inglis |
| Bachus | Crenshaw | Issa |
| Barrett (SC) | Culberson | Jenkins |
| Barrow | Davis (KY) | Johnson (IL) |
| Bartlett | Deal (GA) | Johnson, Sam |
| Barton (TX) | Dent | Jones |
| Berry | Diaz-Balart, L. | Jordan (OH) |
| Biggart | Diaz-Balart, M. | Kaptur |
| Bilbray | Donnelly (IN) | King (NY) |
| Bilirakis | Dreier | Kingston |
| Bishop (UT) | Duncan | Kirk |
| Blackburn | Ehlers | Kirkpatrick (AZ) |
| Blunt | Ellsworth | Kosmas |
| Boehner | Emerson | Kratovil |
| Bonner | Fallin | Kucinich |
| Bono Mack | Flake | Lamborn |
| Boozman | Fleming | Lance |
| Boswell | Forbes | Latham |
| Boustany | Fortenberry | LaTourette |
| Brady (TX) | Fox | Latta |
| Bright | Franks (AZ) | Lee (NY) |
| Broun (GA) | Frelinghuysen | Lewis (CA) |
| Brown (SC) | Gallely | Linder |
| Brown-Waite, | Garrett (NJ) | LoBiondo |
| Ginny | Gerlach | Lucas |
| Buchanan | Giffords | Luetkemeyer |
| Burgess | Gingrey (GA) | Lummis |
| Burton (IN) | Gohmert | Lungren, Daniel |
| Buyer | Goodlatte | E. |
| Calvert | Granger | Mack |
| Camp | Graves | Manzullo |
| Cantor | Guthrie | Marchant |
| Capito | Hall (TX) | Massa |
| Carter | Harper | Matheson |
| Castle | Hastings (WA) | McCarthy (CA) |
| Chaffetz | Heller | McCaul |

| | | |
|-------------|---------------|---------------|
| McClintock | Posey | Shuster |
| McCotter | Price (GA) | Simpson |
| McHenry | Putnam | Smith (NE) |
| McHugh | Radanovich | Smith (NJ) |
| McKeon | Rehberg | Smith (TX) |
| McMorris | Reichert | Souder |
| Rodgers | Roe (TN) | Stearns |
| Mica | Rogers (AL) | Sullivan |
| Michaud | Rogers (KY) | Taylor |
| Miller (FL) | Rogers (MI) | Teague |
| Miller (MI) | Rohrabacher | Terry |
| Minnick | Rooney | Thompson (PA) |
| Moran (KS) | Ros-Lehtinen | Thornberry |
| Murphy, Tim | Roskam | Tiahrt |
| Myrick | Ross | Tiberi |
| Neugebauer | Royce | Turner |
| Nunes | Ryan (WI) | Upton |
| Olson | Scalise | Walden |
| Paul | Schmidt | Wamp |
| Paulsen | Schock | Westmoreland |
| Pence | Schrader | Whitfield |
| Peterson | Sensenbrenner | Wilson (SC) |
| Petri | Sessions | Wittman |
| Pitts | Shadegg | Wolf |
| Platts | Shimkus | Young (AK) |
| Poe (TX) | Shuler | Young (FL) |

NOT VOTING—9

| | | |
|----------|------------|--------------|
| Boucher | Cassidy | Miller, Gary |
| Campbell | King (IA) | Perriello |
| Cao | Kline (MN) | Stark |

□ 1213

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1106.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial

Services and the chairman and ranking minority member of the Committee on the Judiciary.

The gentleman from Massachusetts (Mr. FRANK), the gentleman from Alabama (Mr. BACHUS), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Members of the House, this very important legislation would limit an anomaly in the Bankruptcy Code which prohibits judicial modifications of principal residences, even though every other class of asset, from second homes to yachts, airplanes, investment properties, family farm, hotels, and even office buildings, is eligible for such treatment. I believe that this proposal represents a critical step that we can take to not only protect hardworking and honest Americans struggling to keep their homes in the midst of a once in a lifetime economic calamity, but to limit the downward cycle of foreclosures that are now damaging our neighborhoods, while, at the same time, protecting financial intermediaries and ensuring that judicial modification is considered only after every reasonable effort has been taken to achieve voluntary modification outside of the bankruptcy.

Mr. Chairman, on that note, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our country has fallen into a serious economic recession, a recession that is worsened by the foreclosure crisis. Until we address the rising number of foreclosures, it will be difficult for the economy to recover.

But some of what is in this bill we consider today will be helpful. Providing loan servicers a safe harbor from the threat of litigation if they offer borrowers meaningful loan modification will, in fact, help blunt the crisis.

But the bill also includes many counterproductive components, especially the bankruptcy provision. This bankruptcy provision not only will fail to solve the foreclosure crisis, but also will make the crisis deeper, longer and wider.

Allowing bankruptcy judges to rewrite mortgages will increase the overall cost of lending. Lenders and investors will hesitate to put up capital in the future if they fear that judges will rewrite the terms of their mortgage contracts. Less available capital and increased risk means that borrowers will pay higher interest rates in the future.

Allowing bankruptcy judges to rewrite mortgages will also encourage borrowers to file for bankruptcy. Under

this bill, a borrower will be able to reduce, for example, a \$500,000 mortgage to \$400,000. When housing prices rise in the future, that borrower has no obligation to pay back the \$100,000 amount they crammed down. Thus, the borrower receives a \$100,000 windfall. And experts predict that receiving this windfall will provide an incentive for borrowers to file for bankruptcy.

If bankruptcy filings increase as a result of this legislation, which is predicted, it is unlikely that the country's only 368 bankruptcy judges could handle the additional caseload in an effective manner. This will prolong the crisis as borrowers wait for their bankruptcy plan to be court-approved.

In fact, even Senator DURBIN, the primary sponsor of this legislation in the Senate, has stated that he is "willing to restrict" this legislation to subprime mortgages in an effort to make this proposal "reasonable."

So, the legislation we are considering today, and the "Housing Affordability and Stability Plan" announced by the President last Tuesday, really amount to another entitlement program, a program that comes at the expense of the 92 percent of the homeowners who are making their payments on time.

And it is a program that benefits lenders who wrote irresponsible loans and borrowers who borrowed more than they could afford. In other words, this legislation will punish the successful, tax the responsible, and hold no one accountable.

If we pass this legislation, what message does it send to responsible borrowers who are making their payments on time? How can we ask them to foot the bill for their neighbors' mortgages? What are homeowners to think if they pay back the full amount of principal they owe, while others receive a government-granted reduction in principal?

We need to do everything we can to help solve the foreclosure crisis, but we need to do so in a manner that doesn't bankrupt the taxpayers or our financial system and that is, in fact, fair to all.

And as we work to solve the foreclosure crisis, we need to remember how we got here. As the President said in his address to Congress on Tuesday, "It is only by understanding how we arrived at this moment that we'll be able to lift ourselves out of this predicament."

This foreclosure crisis was brought on largely by irresponsible mortgage policies. Those policies were implemented by lenders and supported by government-sponsored entities like Fannie Mae, who were all too willing to put profits ahead of prudence. Their irresponsible behavior was encouraged by Members of Congress and the Clinton administration. Too often borrowers, spurred on by cheap credit and little or nothing as a down payment, borrowed more than they could afford.

The mortgage bankruptcy provisions in this bill are not the answer. Allowing bankruptcy modification of home